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U.S. APPLICATION NUMBER NO. 10/598,073	FIRST NAMED APPLICANT Ester Fernandez-Salas	ATTY. DOCKET NO. 17596(BOT)
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INTERNATIONAL APPLICATION NO. PCT/US05/06421	
I.A. FILING DATE	PRIORITY DATE

51957

ALLERGAN, INC.

2525 DUPONT DRIVE, T2-7H  
IRVINE, CA 92612-1599

RESPONSE DUE

ACTION

CONFIRMATION No. 9808

371 FORMALITIES LETTER



\*OC000000023056943\*

Date Mailed: 03/23/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495):

- Copy of the International Application filed on 08/17/2006
- Copy of the International Search Report filed on 08/17/2006
- Preliminary Amendments filed on 08/17/2006
- Information Disclosure Statements filed on 08/17/2006
- Biochemical Sequence Listing filed on 08/17/2006
- U.S. Basic National Fees filed on 08/17/2006
- Priority Documents filed on 08/17/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$900 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$1030 for a Large Entity:

- **\$130 Surcharge.**

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- Total additional claim fee(s) for this application is \$ 900

- \$900 for 76 total claims over 20.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/598,073	PCT/US05/06421	17596(BOT)

FORM PCT/DO/EO/905 (371 Formalities Notice)

Application No.: 10/598,073

17596 (BOT)

Fernandez-Salas et al, Botulinum Toxin Screening Assay

## PATENT IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/598,073  
Applicant: Fernandez-Salas et al  
Confirmation No.: 9808  
Filed: August 17, 2006  
  
Group Art Unit: Not assigned  
Examiner: Not assigned  
  
Docket No.: 17596 (BOT)  
Customer No.: 51957  
Patent Title: BOTULINUM TOXIN  
SCREENING ASSAY

CERTIFICATE OF MAILING OR TRANSMISSION  
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
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FACSIMILE TRANSMITTED TO THE USPTO (571) 273-  
8300, ON THE DATE INDICATED BELOW.  
Name of person making deposit or transmitting facsimile:  
Bonnie Ferguson  
Signature: Bonnie Ferguson  
Date: 4-6-07

## NOTICE TO FILE MISSING PARTS

April 6, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Box: PCT

Administrative  
C. Box 1  
Telephone  
Box: PCT

Dear Sir,

Dear Sir

This 2 page communication is responsive to a Notice to File Missing Parts mailed March 23, 2007. The Notice has been carefully considered, and the Applicants have the following comments:

**Remarks** begin on page 2 of the Applicants' Reply.

**REMARKS****Notice to File missing Parts Pursuant to 37 C.F.R. § 1.53(b)**

Shelby J. Vigil has indicated that the previously submitted oath or declaration is acceptable.

Shelby J. Vigil was authorized to request the additional fee claims of \$900.00 by using the Deposit Account 01-0885. (We did initially mark the approval to use Deposit Account for any additional fee on the electronic filing of this application.)

The Examiner has indicated that a separate Sequence Listing in computer readable form was not submitted as required by 37 C.F.R. 1.821(e). The Applicants have submitted a computer readable form (CRF) of the Sequence Listing, as well as the written Sequence Listing. The Sequence Listing information recorded in CRF is identical to the written Sequence Listing. The Sequence Listing provided does not contain any new matter as required by 37 C.F.R. §§1.821(e), 1.821(f), 1.821(g) and 1.825 (b).

**CONCLUSION**

The Examiner is invited to call the undersigned agent if there are any questions. Please use Deposit Account 01-0885 for the payment of any other fees due in connection with the current response.

Respectfully submitted,



Dean G. Stathakis, Ph.D.  
Registration No. 54,465  
Agent of Record

**ALLERGAN****LEGAL DEPARTMENT**

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